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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,

14 Case No. 2:20-mj-01038-NJK

15 Plaintiff,

16 **Stipulation to Extend Deadlines to**
17 **Conduct Preliminary Hearing and**
18 **File Indictment (Second Request)**

19 v.

20 MARBIN RAMIREZ-RODAS,

21 Defendant.

22

23 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Raquel Lazo, Assistant Federal Public Defender, counsel for Defendant MARBIN RAMIREZ-RODAS, that the Court continue the February 16, 2021 preliminary hearing for at least 75 days. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

24 This stipulation is entered into for the following reasons:

1 1. The government has made a plea offer in this case, which the defendant has
2 accepted. He has executed a written plea agreement and waived indictment. A hearing for
3 the change of plea has not yet been set. Ultimately, if the court does not accept the
4 defendant's plea, the offer will be withdrawn, and the case will either be indicted or the
5 preliminary hearing will then move forward.

6 2. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
7 preliminary hearing within a reasonable time, but no later than 14 days after the initial
8 appearance if the defendant is in custody . . ."

9 3. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
10 showing of good cause—taking into account the public interest in the prompt disposition of
11 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
12 times . . ."

13 4. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny
14 information or indictment charging an individual with the commission of an offense shall be
15 filed within thirty days from the date on which such individual was arrested or served with a
16 summons in connection with such charges."

17 5. If the court does not accept his plea, defendant will need additional time to
18 review the discovery, investigate potential defenses, and prepare for the preliminary hearing.

19 6. Accordingly, the parties jointly request that the Court schedule the
20 preliminary hearing in this case no sooner than 75 days from the current preliminary
21 hearing setting of February 16, 2021.

22 7. Defendant is in custody and agrees to the extension of the 14-day deadline
23 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
24

1 § 3161(b), provided that the information or indictment is filed on or before the date ordered
2 pursuant to this stipulation .

3 8. The parties agree to the extension of that deadline.

4 9. Accordingly, the additional time requested by this stipulation is allowed
5 under Federal Rule of Criminal Procedure 5.1(d).

6 10. In addition, the parties stipulate and agree that the time between today and
7 the scheduled preliminary hearing is excludable in computing the time within which the
8 defendant must be indicted and the trial herein must commence pursuant to the Speedy
9 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
10 § 3161(h)(7)(B)(i) and (iv).

11 11. This is the second request for an extension of the deadlines by which to
12 conduct the preliminary hearing and to file an indictment.

13 DATED this 1st day of February, 2021.

14 Respectfully submitted,

15 NICHOLAS A. TRUTANICH
16 United States Attorney

17 /s/ Raquel Lazo
18 RAQUEL LAZO
19 Assistant Federal Public Defender
Counsel for Defendant
MARBIN RAMIREZ-RODAS

17 /s/ Kimberly M. Frayn
18 KIMBERLY M. FRAYN
19 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:20-mj-01038-NJK

Plaintiff,

V.

MARBIN RAMIREZ-RODAS,

**Order on Stipulation to
Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment**

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for February 16, 2021, at 4:00 p.m., is continued to May 3, 2021, at 4:00 p.m.

IT IS SO ORDERED.

DATED: February 2, 2021.

UNITED STATES MAGISTRATE JUDGE